REMARKS

The Office requires restriction of the claims to one of the following inventions:

Group I, claim(s) 1-4, 9-12 and 16 (in part directed to nucleic acid molecule), 17-18 (in part directed to transgenic cell), and 40, drawn to a nucleic acid molecule (including expression vector) that expresses human Akt-3 protein, cell comprising same, and method of using the cell in a method for producing a pharmaceutical formulation comprising compound that binds Akt-3 protein.

Group II, claim(s) 5 and 38-39 (in part directed to antisense molecule of claim 5), drawn to an antisense molecule that hybridizes with a nucleic acid molecule that expresses human Akt-3 protein, and a method of using same for treatment of disease.

Group III, claim(s) 6-8 and 16 (in part directed to protein), 19, 30-32, 41 and 42, drawn to human Akt-3 protein, and the first recited method of using same in an acellular assay for identifying compounds that influence activity of human Akt-3 protein comprising introducing a test compound into a reaction mixture comprising human Akt-3 protein, a substrate of the protein, and a phosphate source.

Group IV, claim(s) 17-18 (in part directed to tissue or multi-cellular organism), drawn to a multicellular transgenic organism comprising a transgene that expresses human Akt-3 protein, and tissue obtained therefrom (excluding isolated cells).

Group V, claim(s) 20, 21, 23, 24, 38 and 39 (in part directed to antibody of claim 21), drawn to an antibody that binds to human Akt-3 protein, and a method of using same for treatment of disease.

Group VI, claim(s) 25 and 27, drawn to a cell-based assay for identifying inhibitors of human Akt-3 protein comprising treating cells, which are transformed with an expression vector "activating the Akt-3 pathway" and had been cultured in the presence of a survival factor, with a candidate compound after removal of the survival factor, and a compound identified thereby.

Group VII, claim(s) 26 and 43, drawn to a cell-based assay for identifying inhibitors of human Akt-3 protein activity comprising treating cells, which are transformed with an expression vector "activating the Akt-3 pathway," with a candidate compound in the presence of a death factor, and a compound identified thereby.

Group VIII, claim(s) 33-35, drawn to draw to an acellular assay for identifying agents that influence activity of human Akt-3 protein comprising introducing a test compound into a reaction mixture comprising a PH domain of human Akt-3 protein and a phospholipid, and an agent identified thereby.

Group IX, claim(s) 38-39 (in part directed to inhibitors of claim 27), drawn to a compound that inhibits human Akt-3 protein activity, and a method of using same for treatment of disease. (The second recited method of using the compound of claim 27).

Group X, claim(s) 38-39 (in part directed to an agent of claim 35), drawn to a method for treatment of disease with an agent that affects the binding of a phospholipid to the PH domain of human Akt-3 protein. (The second recited method of using the agent of claim 35.)

In response, applicants elect Group I, claims 1-4, 9-12 and 16, without traverse. Applicants reserve the right to file divisional application(s) on the non-elected claims. Early consideration and prompt allowance of the pending claims is respectfully requested.

Respectfully submitted,

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